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164
946,037

Practitioner's Docket No. _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: KIM, Yang-Piung

Application No.: 09 / 579235 Group No.: 1771

Filed: May 30, 2000

Examiner: Hai, V.

For:

LAYERED FILM SHEET FOR COATING

#11
Kuo
7-17-02
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FEB 12 2008

Assistant Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT—PTO HAS NO
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED**

NOTE: 37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed . . . in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing . . . of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed . . . correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing. . . .

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

REQUEST

1. Applicant requests that the abandonment in this case be withdrawn.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

JUN 17 2002

Date: _____

Signature

John S. Egbert
John S. Egbert

(type or print name of person certifying)

(Information for Withdrawal of Abandonment—PTO Has No Evidence That Mailed Correspondence Received)

[9-35]—page 1 of 3

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PROMPTNESS OF THIS SUBMISSION

This information is being submitted promptly after applicant has learned of the abandonment on the basis of:

- ☒ the Notice of Abandonment mailed by the PTO on Jun. 3, 2002.
- ☐ applicant's own procedures in monitoring the progress of this case.

SUBMISSION

2. Submitted herewith is:

(check and complete each appropriate item below)

- ☒ A copy of the page of the response mailed on Oct. 30, 2001, showing a Certificate of Mailing executed on Oct. 30, 2001.
- ☒ A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated Dec. 7, 2001.

NOTE: "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." § 504, M.P.E.P., 7th Edition.

- ☒ A copy of the complete response previously filed.
- ☐ A copy of the cancelled check(s) referring to the response identified above.
- ☐ A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

STATEMENT

3. Attached hereto is a statement attesting to the timely transmission of the correspondence referred to above based on:

- ☐ personal knowledge
- ☒ a showing believed to be satisfactory to the Commissioner

4. Please proceed with further examination of this application on the basis of:

- ☒ The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

- ☒ The attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

5. Acknowledgement of the active status of this application is respectfully requested.

Reg. No.: 30,627

Tel. No.: (713) 224-8080

Customer No.: 24106


SIGNATURE OF PRACTITIONER

John S. Egbert

(type or print name of practitioner)

Harrison & Egbert

412 Main St., 7th Floor

P.O. Address

Houston, Texas 77002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

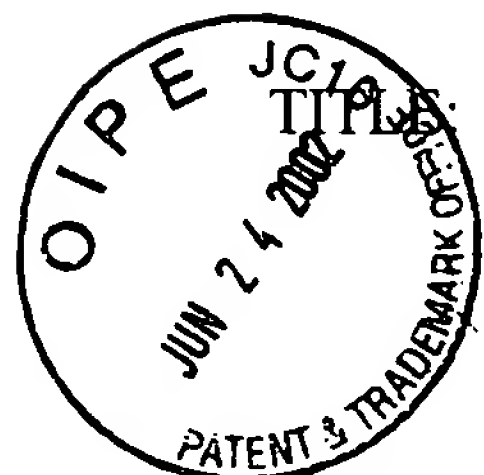
APPLICANT: KIM, Yang-Piung

SERIAL NO.: 09/579,235

ART UNIT: 1771

FILED: May 30, 2000

EXAMINER: Hai, V.



LAYERED FILM SHEET FOR COATING

PETITION FOR WITHDRAWAL OF A
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181
STATEMENT OF FACTS

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Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

In accordance with 37 C.F.R. § 1.181, the following is a showing of timely transmission of the responsive communication.

1. The present application was filed on May 30, 2000.
2. A non-final Office Action was mailed on August 9, 2001, a response being due by November 9, 2001.
3. Applicant mailed an Amendment "A" on October 31, 2001. A copy of the Amendment "A" is attached.
4. The copy of the Amendment "A" was mailed on the date, October 31, 2001, specified in the Certificate of Mailing.
5. Applicant respectfully contends that delays in U.S. mail service to the Washington D.C. area may have delayed the receipt of the correspondence. Applicant notes that the acknowledgment post card to show receipt of the correspondence has been returned, showing receipt of the correspondence on December 7, 2001. However, the Certificates of Mailing clearly show the timely filing of the required reply.

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OFFICE OF PETITIONS

6. Applicant now files the present Petition to withdraw any holding of abandonment of the patent application because Applicant contends that the present patent application is not in fact abandoned.

7. The present Petition for Withdrawal is being submitted less than one month from the mailing of the Notice of Abandonment on June 3, 2002.

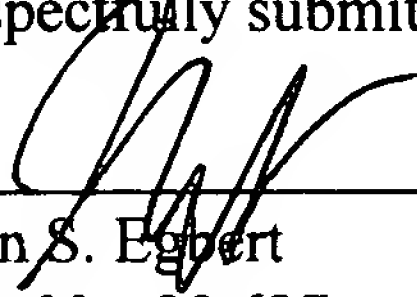
Applicant petitions for withdrawal of any holding of abandonment because the patent application is not in fact abandoned. Applicant filed a timely response to the non-final Office Action on October 31, 2001.

Applicant petitions for withdrawal of the holding of abandonment based upon the evidence of the timely filed required reply, petition for extension of time and fee. Pursuant to 37 C.F.R. § 1.181, no government fee is included.

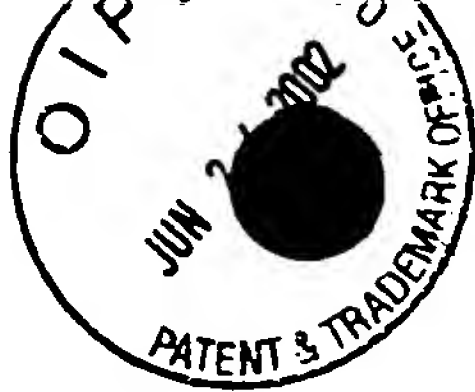
Date

6-14-02

Respectfully submitted,



John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
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Date Mailed: 10-30-2001
Our File: 946,037
Post Card No. 9061*
APPLICANT: KIM, Yang-Pioug
SERIAL NO.: 09/579,235
ART UNIT: 1771
FILED: May 30, 2000
EXAMINER: Hai, V.
TITLE: LAYERED FILM SHEET FOR COATING
Assistant Commissioner for Patents
Please receive stamp this post card to
show receipt of: AMENDMENT "A".
HARRISON & EGBERT



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HARRISON & EGBERT
412 MAIN STREET, 7TH FLOOR
HOUSTON, TX 77002



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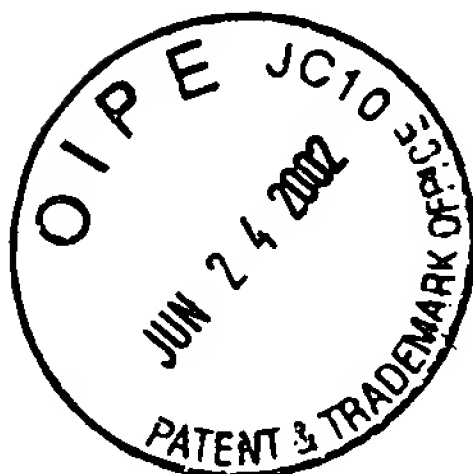
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/579,235



EXAMINER

ART UNIT	PAPER NUMBER
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PH10

DATE MAILED:

NOTICE OF ABANDONMENT

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JUN 28 2002

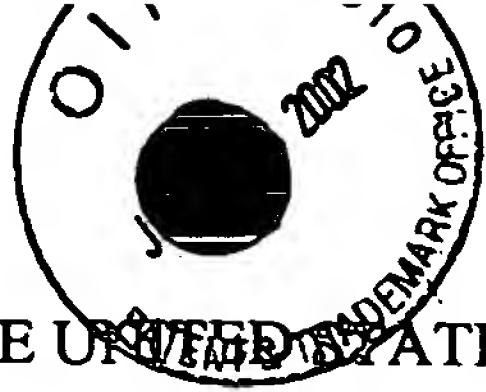
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This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
- ☒ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

*U.S. GPO: 2000-472-999/43202



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KIM, Yang-Piung

SERIAL NO.: 09/579,235

ART UNIT: 1771

FILED: May 30, 2000

EXAMINER: Hai, V.

TITLE: LAYERED FILM SHEET FOR COATING

AMENDMENT "A"

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JUN 28 2002

Assistant Commissioner for Patents
Washington, D.C. 20231
Box Non-Fee Amendment

OFFICE OF PETITIONS

Sir:

In response to the Official Action of August 9, 2001, a response being due by November 9, 2001, please amend the above-identified application as follows:

IN THE CLAIMS

Please cancel original Claim 1 and substitute Claim 2 therefor as follows:

2. A layered film article comprising:

a subject sheet;

an embossed polyvinyl chloride film sheet defining an outermost layer;

an ethylene vinyl acetate sheet defining an innermost layer, said ethylene vinyl acetate sheet being in direct contact with said subject sheet, said outermost layer being folded over and coating said subject sheet;

a low-density polyethylene film positioned against and bonded to said outermost layer by a water-miscible acryl-based adhesive;

an ethylene vinyl acetate film positioned against a surface of said low-density polyethylene film opposite said outermost layer; and

a polyester film positioned against a surface of said ethylene vinyl acetate film opposite said low-density polyethylene film, said polyester film being bonded to said innermost layer by a water-miscible acryl-based adhesive.

REMARKS

Upon entry of the present amendments, original Claim 1 has been canceled and new Claim 2 substituted therefor. Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format and for the purpose of more clearly distinguishing the present invention from the prior art.

In the Official Action, it was indicated that Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Toney patent in view of the McNaul patent and further in view of the Sugahara patent. Claim 1 was also rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Applicant has amended the language of original Claim 1 in the form of new Claim 2. The new Claim 2 recites each of the elements of the original Claim 1 but expresses them in a proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in original Claim 1 has been removed in new Claim 2. In particular, Claim 2 recites with specificity, the exact layering of the "layered film article" of the present invention. The term "subject sheet" has been positively recited.

As an overview to the present reply, Applicant notes that the present invention achieves significant advantages over the existing prior art. These advantages are achieved by virtue of the particular structure employed by the present invention. The use of the PVC film as the surface

layer provides an extremely high embossing effect and an elegant texture. This advantage is recited on page 9, lines 3 - 7 as follows:

The recruitment of the soft PVC film as a surface layer enjoys advantages of obtaining an extremely high embossing effect and of providing archaic and elegant texture to the sight by virtue of its lower gloss than have other resin films.

In particular, in Claim 2, it is recited that the outermost layer is the "embossed" polyvinyl chloride film sheet. Additionally, the structure of the present invention facilitates the ability to emboss patterns on the outermost layer, as was recited on page 9, lines 8 - 14 as follows:

Virtual impossibility is imposed on the embossing of polyester films. It is possible to emboss LDPE films, while the LDPE films pass through the rollers at such a high temperature, the embossed patterns on LDPE films are melted to take fade-outs. When this phenomenon is taken into account, the outermost layer is most preferably prepared from PVC.

Additionally, the particular acryl-based adhesive strongly allows the sandwiched and layered film article of the present invention to withstand the shear forces from the rollers through which the article passes. This advantage was stated on page 9, lines 18 - 23 as follows:

In addition, the adhesive layer between the outermost PVC film and the LDPE film functions to reinforce the PVC film which sustains most seriously the shear force from the engaged rollers while the adhesive layer between the innermost EVA film and the polyester film maintains the EVA layer in its integrity.

Additionally, the use of the intermediate polyester film layer allows the layered film article of the present invention to be dimensionally stable by virtue of its excellent thermal resistance. As was

recited on pages 9 and 10, lines 24 - 6 of the original specification:

In the meanwhile, the intermediate LDPE film and the EVA layers are so flexible that they can be buffed to prevent the deformation or twisting of the sheet, which is apt to occur because of the difference of the coefficient of thermal expansion between the different material layers, the innermost layer and the outermost layer. The intermediate polyester film guarantees the sheet to be dimensionally stable by virtue of its excellent thermal resistance.

Additionally and furthermore, the particular layered arrangement of the present invention allows the application of low temperatures to the laminating process. As a result, the deterioration of the subject sheet is prevented. As was stated on pages 10 and 11 of the original specification:

In the layered film sheet for coating, in accordance with the present invention, as described hereinbefore, the innermost layer, which is brought into contact with a subject, is softened and of adhesion at low temperatures and thus, a decrease can be brought about in the total coating temperature, enabling the outermost PVC film to be expressed in effective embossed patterns. In addition, such low temperature coating prevents the subjects, such as pictures, prints, paleography, etc., from being deteriorated by heat. For instance, the low temperature of the coating can afford a clear product which is free of speckles which result from the spreading or running of gelatin on a photograph or ink on a print when it is melted at high temperatures. Further, a subject, when coated with a layered film sheet of the present invention, can be semi-permanently preserved due to the excellent film tightness of the layered film sheet.

As can be seen, the present invention, with its particular layered arrangement, offers significant advantages over the prior art. Applicant respectfully contends that the prior art combination cited by the Examiner does not show this structure, does not carry out the function of the present invention, nor does the prior art combination achieve the advantages of the present invention.

The prior art Toney describes an "antifog" film laminant. In particular, this laminant includes a first layer of a blend of polyolefin and an antifogging agent, a bonding layer of polyolefin, a second substrate bonded to a bonding layer of the first substrate and including polyester or nylon, and an adhesive between the first and second substrates. The bonding layer is pre-treated by corona discharge before windup.

The prior art Sugahara patent describes a thermosetting resin-impregnated prepreg layer, a rubber or thermoplastic resin layer and a hot melt resin adhesive layer.

The McNaul patent describes a sheet having a polyvinyl chloride film, an application tape adhered to one surface of the film and a carrier tape adhered to the application tape.

As can be seen, none of these prior art patents describes the structure of the present invention, namely, the sandwiched arrangement, from top to bottom as follows: (1) embossed PVC film; (2) LDPE film; (3) EVA film; (4) polyester film; (5) the EVA sheet; (6) the subject sheet; (7) the EVA sheet; (8) the polyester film; (9) the EVA film; (10) the LDPE film; and (11) the embossed PVC. In fact, there is nothing in the prior art, individually or in combination, which would suggest such a sandwiched arrangement.

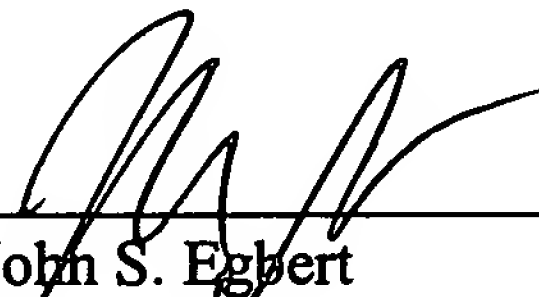
The purposes of the present invention are neither shown nor suggested by the prior art combination. Fundamentally, the Toney patent is for an antifog film laminant. The Sugahara patent is a laminant with improved dimensional stability and heat resistance by using a thermo-hardening resin. The McNaul patent describes a surface printable PVC laminant with a carrier so as to form a cold transfer film. None of these prior art patents suggest the use of an embossed PVC layer. Also, none of the prior art patents suggest the sandwich relationship of various film laminants for the purposes of achieving the advantages of the present invention.

On this basis, Applicant respectfully contends that the structure of the present invention, as now claimed, is neither shown nor suggested by the prior art combination.

Based upon the foregoing analysis, Applicant contends that independent Claim 2 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 2 should also be in condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

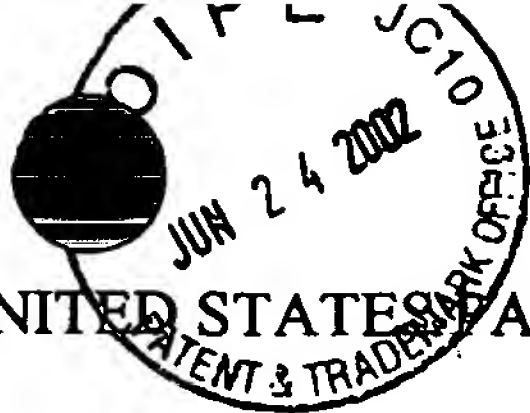
Respectfully submitted,

10-30-01
Date



John S. Egbert
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Attorney for Applicant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KIM, Yang-Pioung

SERIAL NO.: 09/579,235

ART UNIT: 1771

FILED: May 30, 2000

EXAMINER: Hai, V.

TITLE: LAYERED FILM SHEET FOR COATING

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby certify that the attached correspondence comprising:

AMENDMENT "A"

is being deposited with the United States Postal Service with sufficient postage as first class mail
in an envelope addressed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

on October 30, 2001.

Respectfully submitted,

Date

10-30-01


John S. Egbert

Reg. No. 30,627

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